

TITLE 5. DEPARTMENT OF COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS

N.J.A.C. 5:23-4A

§ 5:23-4A.1 Purpose

(a) The purpose of this subchapter is to implement P.L. 1991, c.457, which made New Jersey a party to the Interstate Compact on Industrialized/Modular Buildings. The adoption of this subchapter, which is identical in content to implementing rules adopted by the other states participating in the compact, will result in uniformity in state compliance requirements, thereby promoting the use of new technologies, techniques, and materials and increasing the availability of safe, decent and affordable construction, both for housing and non-housing uses.

(b) No approval, ruling, action, order or notice issued in accordance with rules in effect prior to the effective date of the adoption of this subchapter shall be rendered invalid or unenforceable by reason of the adoption of this subchapter or the repeal of rules superseded by this subchapter. Any approval issued in accordance with rules in effect prior to the effective date of the adoption of this subchapter shall continue in effect for the period for which it was granted, but any subsequent approval shall be in accordance with this subchapter.

§ 5:23-4A.2 Findings; functions of the Commission

(a) The Department, as the administrative agency for the State of New Jersey under the Interstate Compact on Industrialized/Modular Buildings, finds that:

1. Industrialized/modular buildings are constructed in factories in various states and are a growing segment of the nation's affordable housing and commercial building stock.
2. The regulation of industrialized/modular buildings varies from state to state and from locality to locality. This creates confusion and burdens state and local building officials and the industrialized/modular buildings industry.
3. Regulation by multiple jurisdictions imposes additional costs, which are ultimately borne by the owners and users of industrialized/modular buildings and which restrict market access and discourage the development and incorporation of new technologies.

(b) The Industrialized Buildings Commission shall:

1. Provide the states regulating the design and construction of industrialized/modular buildings and building components with a system for coordinating and uniformly administering their rules and regulations for such buildings, all in a manner that will assure mutual acceptance of industrialized/modular buildings and building components; and
2. Provide to Congress assurances that would preclude the need for a voluntary preemptive Federal regulatory system for industrialized/modular housing, as outlined in Section 572 of the Housing and Community Development Act of 1987, including development of model standards for industrialized/modular housing construction, such

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that design and performance will insure quality, durability and safety, will be in accordance with cost-effective energy conservation standards and will promote the lowest total construction and operating costs over the life of such housing.

§ 5:23-4A.3 Scope

(a) This subchapter shall govern the design, manufacture, handling, storage, delivery, and installation of industrialized/modular buildings and building components intended for installation in this State. Industrialized/modular buildings or building components certified pursuant to this subchapter may be sold for, delivered to, or installed on, building sites located in the State. Industrialized/modular buildings that are not required to be labeled or comply with code approval under this chapter are exempt from the requirements of this subchapter.

(b) Industrialized/modular buildings or building components certified pursuant to this subchapter shall be deemed to comply with all requirements of this chapter.

(c) Except as otherwise specifically provided, this subchapter shall not apply to requirements concerning land use and zoning, building set-backs, side and rear yards, property lines and on-site development, construction and inspection; provided, however, that such requirements shall not be more stringent than those imposed on other types of buildings in the same zone or area.

§ 5:23-4A.4 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the State Uniform Construction Code Act, P.L. 1975, c.217, as supplemented by P.L. 1991, c.457 and the Interstate Compact on Industrialized/Modular Buildings ratified thereby.

"Approved" means approved by the Industrialized Buildings Commission, a participating state or a designated evaluation/inspection agency.

"Building component" means any subsystem, sub-assembly or other system of closed construction that is designed for use in, or as part of, a structure. "Building component" may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety.

"Building system" means a method of constructing a type of industrialized/modular building or building component that is described by plans, specifications and other documentation that together establish a set of limits meeting the requirements of this subchapter for that type of industrialized/modular building or building component. This

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may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety.

"Certification" means the process whereby participating states and local building inspection agencies are assured that elements of closed construction that it is not practical to inspect at the building site conform to the applicable codes.

"Certification label" means an approved insignia or seal evidencing certification in accordance with the Uniform Administrative Procedures of the Industrialized Buildings Commission.

"Closed construction" means any building, building component, assembly or system manufactured in such a manner that concealed parts or processes of manufacture cannot be inspected at the building site without disassembly, damage or destruction. This definition shall not include products, such as structural, electrical and plumbing fixtures and equipment that are tested, listed, labeled and certified by a nationally recognized testing laboratory.

"Code" means the codes, standards, specifications and requirements adopted pursuant to N.J.A.C. 5:23-4A.5.

"Commission" means the Industrialized Buildings Commission.

"Compliance assurance documents" means approved building system documents, an approved compliance assurance manual and approved on-site installation instructions.

"Compliance assurance program" means the policies and procedures that assure that industrialized/modular buildings and building components, including their manufacture, storage, delivery, assembly, handling and installation, conform with this subchapter and with the Uniform Administrative Procedures.

"Designated" means selected by the Commission to perform one or more of the inspection and/or evaluation functions described under the Uniform Administrative Procedures.

"Evaluation agency" means a designated person or organization, private or public, determined by the Commission to be qualified by reason of facilities, personnel, experience and demonstrated reliability and independence of judgment, to investigate and evaluate industrialized/modular buildings, building components, building systems or compliance assurance programs.

"Independence of judgment" means not being affiliated with, or influenced or controlled by, building manufacturers or producers, suppliers or vendors of products or equipment used in industrialized/modular buildings and building components, in any manner that is likely to affect capacity to render reports and findings objectively and without bias.

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"Industrialized/modular building" means any building of closed construction, including, but not limited to, modular housing that is factory-built single-family and multi-family housing (including closed wall panelized housing) and other modular, nonresidential buildings. "Industrialized/modular building" does not include any structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974.

"Inspection agency" means a designated person or organization, private or public, that is determined by the Commission to be qualified by reason of facilities, personnel, experience and demonstrated reliability and independence of judgment, to monitor compliance assurance programs.

"Installation" means the process of affixing, or assembling and affixing, industrialized/modular building or building components on the building site.

"Interim reciprocal agreement" means a formal reciprocity agreement as defined in P.L. 1991, c.457, the statute ratifying the Interstate Compact on Industrialized/Modular Buildings.

"Module" means a closed wall structure or substantial part of a closed wall structure incorporating one or more rooms used as habitable, occupiable or mechanical/equipment space.

"Nonconformance" means the failure to adhere to the requirements of an approved building system or, where the building system is not specific, to the code.

"Participating state" means any compacting state or any non-compacting state acting under an interim reciprocal agreement.

§ 5:23-4A.5 Standards

(a) Buildings, building components and building systems shall comply with all applicable provisions of the State Uniform Construction Code.

(b) Alternates: The provisions of this subchapter are not intended to prevent the use of any technologies, techniques or materials not specifically prescribed by the codes, standards, specifications and requirements, provided any such alternate has been approved.

1. Applications for such alternates shall be filed in writing with the evaluation agency. The application shall contain the current requirements of the codes, standards or specifications from which an alternate is sought and a statement of how the proposed alternate would adequately protect the health, safety and welfare of both the occupants and the public.

2. The evaluation agency may approve any such alternate, provided that it determines that the proposed design is satisfactory and that the material, method or

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work offered is, for the purpose intended, consistent with the adopted codes and standards as to quality, strength, effectiveness, fire resistance, durability and safety. The evaluation agency shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding the use of any such alternate. The evaluation agency shall notify the applicant of the determination. If the application is denied, the notification shall state the reasons for the denial.

§ 5:23-4A.6 Amendments

(a) The Department may amend these rules pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(b) Any proposed amendments to national codes adopted by reference in these regulations shall be undertaken pursuant to N.J.A.C. 5:23-3.13, State-sponsored code change proposals.

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§ 5:23-4A.7 Certification required

No person or agency shall deliver, sell, lease or install any industrialized/modular building or building component in the State unless such building or building component is certified in accordance with this subchapter.

§ 5:23-4A.8 Product control and identification

(a) The following information shall be typewritten on a smudge-proof, permanent manufacturer's data plate located in the vicinity of the certification label:

1. The name and address of the manufacturer;
2. The serial (manufacturer's identification) number(s);
3. The manufacturer's plan approval designation (model number/name);
4. The certification label number(s);
5. The construction classification;
6. The occupancy classification (use group);
7. The seismic zone;
8. The wind velocity load;
9. The roof and floor live load;
10. The fire rating for exterior walls;
11. The thermal transmittance values;
12. The date of manufacture; and
13. The name and date of each code complied with.

(b) The manufacturer shall apply a serial number to each unit at the beginning of the production process. The serial number shall not be applied to a feature of the industrialized building or building component that is readily removable. The location of the serial number(s) shall be identified in the manufacturer's compliance assurance program.

§ 5:23-4A.9 Compliance assurance documents

(a) The building systems documents shall consist of plans, specifications, calculations, test results and/or other documents that describe in detail the product and the manufacturing processes employed to produce industrialized/modular buildings or building components. The documents need only show details for equipment provided by

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the manufacturer. The documents shall be comprehensively indexed and shall treat the material listed below in detail. For the building systems to be evaluated, the following shall be provided:

1. General requirements:

- i. All plans, specifications and other documentation shall be submitted in four copies.
- ii. All documents submitted with the application shall be identified to indicate the manufacturer's name.
- iii. A clear space shall be provided on all sheets of plans near the title box for the stamp(s) of approval.
- iv. Manufacturers shall submit plans showing all elements relating to specific systems on properly identifiable sheets.
- v. Structural connections and connections of systems, equipment and appliances to be performed on-site shall be identified, detailed and distinguished from work to be performed in the manufacturing facility.
- vi. The method of interconnection between the industrialized/modular buildings or building components and the location of connections shall be indicated.
- vii. Design calculations and/or test reports shall be submitted when required by the evaluation agency. The manufacturer shall cross-reference all designs to the appropriate calculations and/or test reports.
- viii. Documents shall indicate the location of the certification label(s).
- ix. Drawings shall be dated and identified and shall include an index that can be used to determine whether the package is complete.
- x. Documents shall provide or show, as appropriate, occupancy or use, area, height and number of stories, type of construction and loads (wind, floor, snow and seismic).

2. Documents for industrialized/modular buildings or building components shall provide or show, as appropriate, the details listed in (b)2i through vi below. Only the minimum documentation necessary to demonstrate each alternative possible within the system shall be required.

i. General information as follows:

- (1) Details and methods of installation of industrialized/modular buildings or building components on foundations and/or attachment to each other;
- (2) Floor plan(s) and typical elevation(s);
- (3) Cross-sections necessary to identify major building components;

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(4) Details of flashing, such as at openings and at penetrations through roofs and subcomponent connections, including flashing material and gauge to be used;

(5) Attic access and attic ventilation, when required by the code;

(6) Exterior wall, roof and soffit material;

(7) Interior wall and ceiling material;

(8) Barrier-free provisions, if applicable;

(9) Sizes, locations and types of doors and windows;

(10) Suggested foundation plans, vents and underfloor access; and

(11) Details of any elevator or escalator system, including method of emergency operation, when provided.

ii. Fire safety details:

(1) Details of fire-rated assemblies, including reference listing or test report for all stairway enclosures, doors, walls, floors, ceiling partitions, columns, roofs and other enclosures;

(2) Means of egress, including details of aisles, exits, corridors, passageways and stairway enclosures;

(3) The flame spread and smoke-developed classification of interior materials;

(4) The location of required draftstops and firestops;

(5) Opening protectives in fire resistance-rated systems and assemblies; and

(6) Drawings of fire suppression systems, standpipe, fire alarms and detection systems, when required.

iii. Structural details, as follows:

(1) Calculations of structural members and/or test results, where appropriate, except where compliance can be demonstrated through code tables, accepted handbooks and listing documents;

(2) Details of structural elements, including framing details, spacing, size and connections;

(3) The grade, species and specifications of materials;

(4) Typical foundation plans, details and assumed design soil-bearing value;

(5) A schedule of roof, floor, wind and seismic loads upon which designing is based; and

(6) The column loads and column schedule.

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iv. Mechanical details, as follows:

- (1) The location of all equipment, appliances and baseboard radiation units;
- (2) Energy conservation calculations;
- (3) Input/output rating of all equipment and appliances, as appropriate;
- (4) Duct and register locations, sizes and materials, as appropriate;
- (5) The method of providing combustion air, if required;
- (6) The method of providing ventilation air, if required;
- (7) The method of providing make-up air, if required; and
- (8) The location of flues, vents and chimneys and clearances from air intakes, combustible materials and other vents and flues.

v. Plumbing details as follows:

- (1) A schematic drawing of the plumbing layout, including, but not limited to: size of piping, fittings, traps and vents, closeouts and valves and gas, water and drainage systems; and
- (2) Plumbing materials and location of all equipment, appliances and safety controls to be used, including indication of the rating and capacity of equipment and appliances.

vi. Electrical details, as follows:

- (1) Details of any service equipment provided by the manufacturer;
- (2) The method of grounding service equipment;
- (3) Load calculations for service and feeders;
- (4) Sizes of branch circuit conductors;
- (5) The size, rating and location of main disconnect and overcurrent protective devices;
- (6) The location of outlets, junction boxes, fixtures and appliances; and
- (7) A single line diagram of the entire electrical installation (not required for one and two family dwellings).

(b) The compliance assurance program is a system employed by the manufacturer to assure conformance with the approved building systems documents. The compliance assurance manual shall be comprehensively indexed and shall treat the material listed below in detail. The program shall consist of the following:

1. Organizational requirements, as follows:

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- i. The manufacturer's name and corporate office address and the address of each manufacturing facility shall be indicated in the compliance assurance manual;
- ii. The compliance assurance manual shall have a table of contents with the evaluation agency's dated stamp of approval on the cover sheet and any revised pages;
- iii. An organizational mechanism for implementing and maintaining the compliance assurance program and its functional relationship to other elements of the organizational structure of the manufacturer shall be indicated. This mechanism shall not be a part of the production department. Employees in charge of the compliance assurance program must be identified and their training and qualifications specified;
- iv. There shall be a uniform system of monitoring and evaluation to ensure program effectiveness;
- v. There shall be a serial numbering system of monitoring and evaluation to ensure program effectiveness;
- vi. There shall be requirements for issuance, possession of, attachment of and accounting for all certification labels to assure that certification labels are attached only to buildings or building components manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program; and
- vii. There shall be a system to document production changes in accordance with other provisions of this subchapter.

2. Materials control, as follows:

- i. There shall be procedures for inspection of materials, supplies and other items at the point of receipt;
- ii. There shall be a method of protection of materials, supplies and other items at the point of receipt; and
- iii. Provision shall be made for disposal of rejected materials, supplies and other items.

3. Production control, as follows:

- i. There shall be procedures for timely remedial and preventive measures to assure product quality;
- ii. There shall be procedures for provision, maintenance and use of testing and inspection equipment to assure compliance with the approved building system;
- iii. There shall be procedures regarding frequency of sampling inspections;
- iv. Provision shall be made to establish necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs;

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- v. There shall be a description of the manufacturing process showing the inspection and check points for mandatory inspection characteristics;
 - vi. Inspection and test procedures, including accept and reject criteria and mandatory inspection characteristics, shall be indicated; and
 - vii. Provision shall be made for disposition of rejects.
4. Finished product control, as follows:
- i. Procedures for handling and storing all finished industrialized/modular buildings or building components at the manufacturing plant or other storage point shall be indicated;
 - ii. Procedures for packing, packaging and shipping operations and related inspections shall be indicated.
- (c) The on-site installation instructions consist of specific installation procedures provided by the manufacturer that specify the materials and procedures required to install the building in conformance with the code and applicable standards. The specific installation procedure provided by the manufacturer shall include:
- 1. Connection details of industrialized/modular buildings or building components to the foundation;
 - 2. Structural connections between industrialized/modular buildings and/or building components;
 - 3. Connections required to complete the mechanical and/or utility systems;
 - 4. Any special conditions affecting other structural elements.

§ 5:23-4A.10 Uniform Administrative Procedures

- (a) The Uniform Administrative Procedures of the Industrialized Building Commission, hereby incorporated by reference, shall constitute the procedures by which the Department shall assure itself and the Commission of the compliance of industrialized/modular building construction with the State Uniform Construction Code, assess the adequacy of the building systems and verify and assure the competency and performance of evaluation and inspection agencies.
- (b) Copies of the Uniform Administrative Procedures may be obtained from the Industrialized Building Commission, Suite 210, 505 Huntmar Park Drive, Herndon, VA 22070.
- (c) The Department shall approve those evaluation or inspection agencies that the Commission designates as meeting the requirements of Part VI, Section 1 of the Uniform Administrative Procedures and that the Commission finds otherwise qualified to perform the functions delegated to it.

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(d) The Department shall take such enforcement action against a manufacturer, inspection agency or evaluation agency as recommended by the Commission if, pursuant to the Uniform Administrative Procedures, the Commission determines that such manufacturer, inspection agency or evaluation agency has failed to fulfill its responsibilities under the Uniform Administrative Procedures.

(e) Any notice or order issued pursuant to this subchapter shall be in writing and shall be served upon the respondent party by certified mail, return receipt requested.

§ 5:23-4A.11 Appeals

(a) Any person, firm or corporation acting on behalf of itself or a class adversely affected by any notice, order, ruling, decision or action of any evaluation and inspection agency or of the Commissioner may file an appeal.

(b) An application for a hearing must be filed within 20 business days of receipt by the applicant of the notice, order, decision or action complained of.

(c) The notice of appeal may be filed either in person or by mail and shall be addressed to the Hearing Coordinator, Division of Codes and Subcodes, PO Box 802, Trenton, New Jersey 08625-0802.

(d) The application shall be in writing and shall set forth the rule under which the appeal is being brought and the facts and circumstances of the case.

(e) The application shall include, where appropriate, the following information and documentation:

1. A copy of the notice, order, ruling, decision or action that is the subject of the appeal;
2. A copy of the building system, compliance assurance program or other document involved;
3. A description of the industrialized/modular building or building component affected;
4. A statement of the relief sought by the appellant; and
5. In the event of an appeal from an action or decision of an evaluation and inspection agency, the application shall contain a copy or, if that is unavailable, a written statement, of the prior decision or other action of the agency being appealed.
6. In the event of any appeal from an action or decision of the Commission where a hearing has already been conducted pursuant to the Uniform Administrative Procedures the application shall contain a copy of the prior decision or other action of the Commission on such appeal.

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§ 5:23-4A.12 Conduct of hearings

Hearings in contested cases shall be conducted by the Office of Administrative Law pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

§ 5:23-4A.13 (Reserved)

§ 5:23-4A.14 (Reserved)

§ 5:23-4A.15 (Reserved)

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